

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: SWAN TOWNHOMES SUBDIVISION

Case Number: PLD2004-00055; SEP2004-00092; EVR2004-00028

Location: 8413 NE Grove Road

Request: To subdivide an approximate 1.77-acre parcel into 38 townhouse lots in the Urban High Density Residential (R-43) zoning district.

Applicants: Craig & Sheila Swan
1818 NW 140th Circle
Vancouver, WA 98685
(360) 903-5825

Contact Person: Sturtevant, Golemo & Associates
Attn: Eric Golemo
2211 Main Street
Vancouver, WA 98660
(360) 993-0911

Property Owner: Same as applicant

RECOMMENDATION

Approve, subject to Conditions of Approval

Team Leader's Initials: **Date Issued:** September 8, 2004

Public Hearing Date: September 23, 2004

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer (Trans. & Stormwater):	Ken Carlson	4881	Ken.carlson@clark.wa.gov
Engineer	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov

(Trans. Concurrency):			
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Urban High Density Residential

Parcel Number(s): Tax Lot 78 (145299) located in the SE ¼ of Section 3, Township 2 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapters: 40.220.020 (Residential Districts); 40.260.230 (Townhouse Developments); 40.320 (Landscaping and Screening); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.020 (Uses Permitted Subject to Review & Approval); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68th St
Vancouver, WA 98665
(360) 695-1466

Time Limits:

The application was determined to be fully complete on July 16, 2004 (see Exhibit #8). Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 16, 2004. The State requirement for issuing a decision within 120 calendar days lapses on November 13, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 25, 2004. The pre-application was determined to qualify for contingent vesting on February 20, 2004.

The fully complete application was submitted on July 6, 2004 and determined to be fully complete on July 16, 2004. Given these facts the application is vested on February 20, 2004.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the NE Hazel Dell Neighborhood Association, and owners of property located within 300 feet of the site on July 29, 2004. One sign was posted on the subject property and two within the vicinity on September 8, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on September 9, 2004.

Public Comments:

The county received no written public comments in response to the public notice.

Project Overview

The site is a 1.77 acre vacant, relatively flat parcel. Existing vegetation consists of several trees and shrubs, but is mostly covered by grass and weeds.

NE Grove Street abuts the site on the south, and NE 85th Street (aka Hylen Way) abuts the north property boundary. The west 30 feet of the parcel is within an existing 60-foot wide road easement centered on the west property boundary. The development plan proposes to utilize this easement for a private on-site circulation road.

Abutting the site on the east is a row of six lots containing single-family detached dwellings. A condominium complex (Continental Condos) abuts the north portion of the west property boundary, and the south portion abuts four lots with single-family detached dwellings. North across NE 85th Street are two single-family detached lots, and south across NE Grove Street are single-family lots in Sweiberg Addition subdivision.

The site is located within the Vancouver School District, Fire District #6, and Park District #9.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban High Density	R-43	Vacant
North	Mixed Use	R-43	Single-family Residential
East	Urban High Density	R-43	Single-family Residential
South	Urban High Density	R-43	Single-family Residential
West	Urban High Density	R-43	Single-family Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|----------------------------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Townhouse Standards

This subdivision is proposed under townhouse standards, in accordance with the Townhouse Ordinance (CCC 40.260.230). The site meets the eligibility criteria in CCC 40.260.230(B).

The density, as proposed, is 21.5 units per acre, which complies with the minimum 20 and maximum 43 units per acre density standards for the R-43 zone.

Staff has reviewed the preliminary site plan, the preliminary plat, and the building elevation plans, and finds that the preliminary plans adequately demonstrate compliance with all applicable criteria in CCC 40.260.230, with one exception. Lots 1 - 6 on the site plan do not appear (based on scale) to meet the minimum 18-foot setback from the front lot line for the garage doors, as required in Table 40.260.230-1. Staff recognizes that this can be easily remedied by moving the building footprint rearward for this row of townhouses, and adjusting the rear lot line as necessary. Thus, it is not an issue necessitating denial. However, a condition of approval is warranted requiring the plans to be amended. (see Condition A-1)

Subsection 40.260.230(C) requires that conditions be identified on the face of the final plat to ensure compliance with the required density and the approved final site plan. (see Condition C-1)

Finding 2 Landscaping

A minimum 20% of the site area is required to be in landscaping, in accordance with CCC 40.220.020(C)(5). The preliminary landscape plan indicates 35% landscape coverage; therefore this requirement can be met.

Also, a 5 foot L-1 landscape buffer is required around the perimeter of the site in accordance with Table 40.320.010-1. The preliminary landscape plan demonstrates compliance with this requirement, except for the buffer along the east property boundary. One tree is required per 30 lineal feet of buffer in accordance with the L1 standard in CCC 40.320.010(B)(1); however, no trees are provided within the east buffer. The east property boundary is 508 lineal feet, which requires a minimum of 16 trees; therefore, the landscape plan needs to be amended to provide the required trees. (see Condition A-2)

A requirement to ensure maintenance and continuance of the required landscape buffers is warranted. (see Condition A-3)

CRITICAL AREAS:

Finding 3 Wetlands

According to county GIS mapping, hydric soils, an indicator of wetlands, are found on the site. The applicant submitted a preliminary wetland assessment performed by Cascadia Ecological Services, Inc, which contains negative findings for wetlands. The County Wetland Biologist has verified this negative finding with his own site visit.

TRANSPORTATION CONCURRENCY:

Finding 4 Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The county's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the proposed Swan Townhomes consisting of 38 townhouse units. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 18 new trips, while the PM peak hour trip generation is estimated at 20 trips.

Finding 5 Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the

potential congestion and safety problems that may occur at the site access onto NE Hazel Dell at NE 83rd Street. The access appears to maintain acceptable LOS.

Finding 6 Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. Therefore, Public Works concurrency staff concludes that the proposal complies with the Concurrency Ordinance.

The applicant should reimburse the county for costs incurred in running the concurrency model. (see Condition A-4)

Finding 7 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 8 Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 9 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 10 Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 11 Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize

these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (see Condition B-1)

TRANSPORTATION:

Finding 12 Circulation Plan

NE Hylen Way (NE 85th St), an urban local access road abutting the proposed development on the north, provides east west circulation as does NE Grove Street which abuts this proposed development on the south. The connection of NE Kogan Road to NE 83rd Street provides the only outlet to the arterial street network (NE Hazel Dell Avenue). NE Kogan Road is therefore the north/south circulation road within this area and I-5 landlocks this area on the east.

The applicant is proposing a private road between NE Hylen Way and NE Grove Street. Staff finds that this proposed private road would be an acceptable access which will serve the interior of this project.

Therefore, Engineering Services staff finds that the circulation plan submitted with this application complies with the cross circulation requirements of the Transportation Standards.

Finding 13 Roads

NE Grove Street, NE Hylen Way and the proposed north/south Avenue are classified as urban local access roads. The minimum frontage improvements and dedication for these roads, in accordance with CCC 40.350, Standard Drawing #14, include:

For NE Grove Street and NE Hylen Way:

- A minimum half-width right-of-way of 23 feet.
- A minimum half-width roadway of 14 feet.
- Curb, gutter and a minimum 5 foot wide sidewalk

The project shall dedicate the required right-of-way and construct the required improvements. (see Condition A-5)

The applicant proposes a north/south private road to access this project from NE Grove Street with a fire access gate at the north end just south of NE Hylen Way. The minimum improvements and easement in accordance with CCC 40.350.030(B)(10) include:

- A minimum curb to curb and roadway width of 20 feet
- A 5-foot wide pedestrian public access easement
- No parking allowed on roadway widths of 20 feet

The project shall provide easements in addition to the required road improvements. (see Condition A-6)

The applicant proposes three (3) east/west private roads to access the town homes from the north/south private road. The minimum improvements along these private roads, in accordance with CCC 40.350.030(B)(10), include:

- A 5-foot wide sidewalk for pedestrian access
- Maximum length of these private roads not to exceed 150 feet.
- A minimum curb to curb and roadway width of 20 feet.
- No parking allowed on these private roads.

The project shall provide easements in addition to the required road improvements. (see Condition A-7)

Finding 14 Road Modifications

An administrative road modification (EVR2004-00028) has been submitted for this proposal to utilize shed sections on the private roads within this development. In order for the county to approve a road modification request, one of the following conditions must be met:

"A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"

"B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"

"C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"

"D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

The applicant is proposing to utilize a shed section for the north-south private road and is providing for a standard road section, with the exception of the parking area between Private Road B and NE Grove Street. This area is utilizing a shed section from the curb west to the standard road section. The applicant is also requesting shed sections for Private Roads A, B & C.

Engineering Services staff finds that the applicant has utilized criteria "C" from above: "An alternative design is proposed which will provide a plan equal to or superior to these standards", and recommends approval of the road modification request.

Finding 15 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The applicant is proposing sidewalk along the north side of NE Grove Street, the east

side of the north/south Avenue and the south side of NE Hylen Street; therefore this standard has been met.

STORMWATER:

Finding 16 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380), adopted July 28, 2000, applies to development activities that result in 2,000 square feet or more of new impervious areas within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030(A).

This project will create more than 2,000 square feet of new impervious surface, it involves platting of single-family residential subdivision lots, and it is a land disturbing activity not exempted in CCC 40.380.030(A). Therefore, this development shall comply with CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 17 Stormwater Proposal

The engineer states that the onsite conveyance system will be designed to accommodate flow from this site as well as future development of properties to the north. The future developments, approximately 1.67 acres, will be collected and treated by the proposed storm system. The site currently drains to an existing storm system west of the site that discharges to Cougar Creek. The engineer also states that the existing system may not be in adequate condition to accept runoff from the developed site, and that this would be analyzed with the final engineering design. He is also proposing an alternate system which pipes the runoff to Cougar Creek in 83rd Street south of the site.

Finding 18 Site Conditions and Stormwater issues

The existing site, with slopes of 0% to 5%, contains grass and a few scattered trees. The preliminary stormwater report indicates that the proposed development will treat approximately 2.04 acres of new impervious area contributing to the proposed stormwater treatment facility. The detention system is designed to detain runoff from not only this development site but future development of the properties to the north.

USDA, SCS mapping shows the site to be underlain by Odne silt loam (OdB) soils classified by AASHTO as A-4 soils. Infiltration rates are low and infiltration is not proposed with this project.

As indicated in the preliminary stormwater report and shown on the plans, the storm water runoff from the developed site will be collected by catch basins and piped to the proposed detention facility and then to a storm filter. The underground detention trench will be 350 feet long, 6 feet wide, and 5 feet deep, with a 36" perforated pipe in the bottom, and will be constructed under the private street. Larger storms will be detained and released to the existing storm sewer system in NE Grove Street. The

2-year release rate will be ½ the pre-developed rate. The 10-year and 100-year release rates will be less than or equal to the pre-developed rate.

Storm runoff from this site will receive treatment, post detention, in a 4-cartridge Stormfilter manufactured by Stormwater Management. The water quality flow was calculated using the water quality storm or 70% of the 2-year storm event. The proposed stormwater facility will be owned and maintained by the homeowner's association.

Based on the county's GIS mapping and site visits, staff finds that portions of the proposed plan do not include measures to prevent adverse impacts on the adjacent property to the west. In accordance with the provisions of CCC 40.380.040(C)(1)(g), no development within an urban area shall be allowed to materially increase or concentrate storm water runoff onto an adjacent property or to block existing drainage from adjacent lots. Therefore, a condition of approval is warranted. (see Condition A-8)

The project proposes to discharge excess runoff into the existing roadside ditch or future conveyance system in NE Grove Street. Therefore, an offsite analysis extending a minimum of one-fourth mile downstream from the stormwater facility in compliance with CCC 40.380.040(B)(2), and a capacity analysis of the downstream conveyance system in compliance with CCC 40.380.040(C)(4) will be required. (see Condition A-9)

Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the county's stormwater ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary stormwater plan, subject to the recommended conditions, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 19 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 20 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Condition B-2)

Finding 21 Fire Flow

Fire flow in the amount of 2,750 gallons per minute supplied for two hours duration is required for this application. Information from the water purveyor indicates that the

required fire flow is available at the site but will require a looped main. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-10)

Finding 22 Fire Hydrants

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire Marshal staff indicates that either the indicated number or the spacing of fire hydrants is adequate. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Vancouver Fire Department at 360/696-8166 to arrange for location approval.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Condition A-11)

Finding 23 Fire Access and Maneuvering

The project is required to provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements. No turnarounds are required.

Plans for the proposed emergency access gate at the north end of the private drive near Hylen Way shall be submitted to and approved by the Fire Marshal prior to installation. A Knox lock or Knox Box will be required for the gate. The key or box can be obtained from the Fire Marshal's office. (see Finding A-12)

WATER & SEWER SERVICE:

Finding 24 Utilities

The development is required to be connected to public water and sewer. The site will be served by the Clark Public Utilities for public water and Hazel Dell Sewer District for public sewer. The applicant submitted current utility reviews from the purveyors confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the purveyors that water and sewer connections to the new lots have been installed and approved. (see Condition A-13)

Finding 25 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review

or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition D-11)

IMPACT FEES:

Finding 26 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610 and 40.620.

The site is within:

- Vancouver School District, with a SIF of \$1,450.00 per dwelling
- Park District #9, with a PIF of \$1,472.00 per dwelling (\$1,151 for park acquisition / \$321 for park development).
- Hazel Dell TIF sub-area with a TIF of \$811.90 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions B-3 & C-2)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is September 9, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on September 23, 2004.

<p><u>Public Comment Deadline:</u> September 23, 2004</p>

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, (360) 397-2375 ext. 4921

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit #5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval

- A-1** The applicant shall amend the preliminary site plan and plat as necessary to provide a minimum 18-foot setback from the front lot line for the garage doors of the units on Lots 1-6, in compliance with CCC Table 40.260.230-1. (see Finding 1)
- A-2** The landscape plan shall be amended to provide 16 trees within the required 5-foot landscape buffer along the east property boundary, in accordance with CCC 40.320.010. (see Finding 2)
- A-3** A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. (see Finding 2)
- A-4** The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of

issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (see Finding 6)

- A-5** The applicant shall dedicate, as necessary, a minimum half-width right-of-way of 23 feet along the frontage of NE Grove Street and NE Hylan Way. Half-width roadway improvements of 14 feet with curb gutter and a 5 foot wide sidewalk shall be constructed. (see Finding 13)
- A-6** The applicant shall provide an easement for the north/south private road in accordance with CCC 40.350; also, roadway improvements with a 20-foot curb to curb width, and a 5-foot wide sidewalk within a public access easement for pedestrian circulation. (see Finding 13)
- A-7** The applicant shall provide an easement and roadway improvements for access on the three (3) private roads; This will include a 20 foot wide curb to curb roadway and a 5-foot wide sidewalk. (see Finding 13)
- A-8** The stormwater plan shall include measures to prevent runoff onto adjacent property to the west of the proposed development. The release rates shall not exceed the allowable rates in the direction of pre-developed drainage paths. (see Finding 18)
- A-9** An offsite analysis extending a minimum of one-fourth mile downstream from the development site shall be included in the required technical information report. If necessary, the applicant shall submit and obtain approval of a mitigation plan for preventing any adverse impacts that may be caused by this development. (see Finding 19)
- A-10** Fire flow in the amount of 2,750 gallons per minute supplied for two hours duration is required for this development. Information from the water purveyor indicates that the required fire flow is available at the site, but will require a looped main. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Finding 21)
- A-11** The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Hydrant locations shall be approved by the Vancouver Fire Department. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Finding 22)
- A-12** Plans for the north gate to Hylan Way shall be submitted for approval by the Fire Marshal prior to installation. A Knox lock or Knox Box will be required for the gate. The key or box can be obtained from the Fire Marshal's office. (see Finding 23)

- A-13** The applicant shall provide documentation from the Clark Public Utilities and Hazel Dell Sewer District that water and sewer connections to the new lots have been installed and approved. (see Finding 24)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

The applicant shall maintain all existing signs within the public right-of-way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the county installs the permanent signing and striping. (see Finding 11)

- B-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Finding 21)

- B-3** Impact fees shall be paid prior to issuance of a building permit for each lot, as follows:

- Traffic Impact Fees: \$ 811.90 (Hazel Dell TIF sub-area)
- Park Impact Fees: \$1,472.00 (Park District #9)
(\$1,151 – Acquisition/\$321 – Development)
- School Impact Fees: \$1,450.00 (Vancouver School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (see Finding 26)

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

Zoning:

- C-1** "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the density, setbacks, height regulations, lot coverage, parking standards, and other applicable standards for the R-43 zone in CCC 40.260.230." (see Finding 1)

Impact Fees:

- C-2** "In accordance with CCC 40.610 & 40.620, the School, Park, and Traffic Impact Fees for each dwelling in this subdivision are respectively: \$1,450.00 (Vancouver School Dist), \$1,472.00 (Park District #9) (\$1,151 – Acquisition; \$321 – Development), and \$811.90 (Hazel Dell TIF sub-area). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 26)

Archaeological:

- C-3** "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

Critical Aquifer Recharge Areas:

- C-4** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

Erosion Control:

- C-5** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

Utilities:

- C-6** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

Private Roads:

- C-7** "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is

upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

Privately Owned Stormwater Facilities:

- C-8** "The homeowner's association is responsible for long-term maintenance of the privately owned stormwater facilities."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- D-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Final Construction Plan Review:

- D-2** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.030.

Pre-Construction Conference:

- D-4** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county.

Erosion Control:

- D-5** Prior to construction, the applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-6** A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall not be removed without county approval.

Excavation and Grading:

- D-9** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- D-10** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Water Wells and Septic Systems:

- D-11** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). (see Finding 25)

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3).
5. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>